

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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Court Minutes

May 5, 2008

C056926 THE PEOPLE v. SAECHAO (Not For Publication)

The judgment is modified to award defendant 527 days of custody credit. As so modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment, reflecting that defendant was convicted by plea and reflecting a \$213.13 booking fee. A certified copy of the amended abstract shall be forwarded to the Department of Corrections and Rehabilitation.

CANTIL-SAKAUYE, J.

We Concur: Scotland, P.J.
 Nicholson, J.

May 6, 2008

C052701 THE PEOPLE v. PEREZ (Not For Publication)

The judgment is affirmed.

MORRISON, J.

We Concur: Scotland, P.J.
 Cantil-Sakauye, J.

C055464 THE PEOPLE v. GEMMILL (Certified For Partial Publication)

The judgment of conviction is affirmed, but the case is remanded to the trial court to separately list, with statutory basis, all fines, fees, and penalties imposed on each count.

ROBIE, J.

We Concur: Davis, Acting P.J.
 Butz, J.

C055543 THE PEOPLE v. DWELLINGHAM (Not For Publication)

The judgment is affirmed.

ROBIE, J.

We Concur: Davis, Acting P.J.
 Butz, J.

**C054563 GARCIA et al. v. CAL-WEST
CONCRETE CUTTING, INC. (Not For Publication)**

The judgment is affirmed. The Garcias shall recover costs on appeal.

RAYE, J.

We Concur: Nicholson, Acting P.J.
 Cantil-Sakauye, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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Court Minutes

May 6, 2008 continued

**C054946 BROWN v. SYCAMORE RANCH (Not For Publication)
PARTNERSHIP**

The judgment is affirmed. Costs on appeal are awarded to the defendant and cross-complainant. ...

NICHOLSON, J.

We Concur: Davis, Acting P.J.
Raye, J.

**C055445 YONKER et al. v. TRAIL DUST (Not For Publication)
ESTATES et al.**

The judgment is affirmed.

RAYE, J.

We Concur: Scotland, P.J.
Hull, J.

**C054313 CALIFORNIA EARTH CORPS v. STATE LANDS COMMISSION et al.;
DEVELOPERS DIVERSIFIED REALTY
BY THE COURT:**

Appellant's petition for rehearing is denied.

NICHOLSON, Acting P.J.

May 7, 2008

C053860 THE PEOPLE v. MARK (Not For Publication)

The judgment is affirmed.

CANTIL-SAKAUYE, J.

I concur: Blease, Acting P.J.

I concur in the result:
Davis, J.

C054689 THE PEOPLE v. ALBRICH (Not For Publication)

We affirm defendant's conviction for attempted carjacking and the firearm enhancement. The judgment is reversed to the extent it is based on a finding that defendant suffered a prior serious felony conviction, to wit: defendant's 1991 Oregon conviction for third degree robbery. The district attorney shall have 30 days after the remittitur is filed in the trial court in which to give notice of intent to seek retrial of the prior conviction allegation. If the district attorney fails to give such notice, the court shall resentence defendant based on his conviction for attempted carjacking and his admission of the firearm enhancement.

BUTZ, J.

We Concur: Davis, Acting P.J.
Raye, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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Court Minutes

May 7, 2008 continued

- C055703 THE PEOPLE v. OTTO (Not For Publication)**
Defendant's conviction on count seven is reversed and the section 1202.05 no-visitation order as to victim A.B. is stricken. In all other respects, the judgment is affirmed. The trial court is directed to enter dismissal of count seven and to prepare an amended abstracts of judgment (indeterminate and determinate). The court shall forward a certified copy of the amended abstracts to the Department of Corrections and Rehabilitation.
BUTZ, J.
We Concur: Nicholson, Acting P.J.
Robie, J.
- C056236 THE PEOPLE v. BALTIMORE (Not For Publication)**
The judgment is affirmed.
DAVIS, Acting P.J.
We Concur: Hull, J.
Robie, J.

May 8, 2008

- C053515 CARLSSON v. CARLSSON (Not For Publication)**
The judgment is vacated and remanded for retrial. The presiding Judge of the Sacramento County Superior Court is directed to assign the matter to a different judge. ... Ulf shall recover costs on appeal. ...
BUTZ, J.
We Concur: Blease, Acting P.J.
Sims, J.

May 9, 2008

- C053677 THE PEOPLE v. SPENCER (Not For Publication)**
The trial court judgment is affirmed.
DAVIS, Acting P.J.
We Concur: Robie, J.
Cantil-Sakauye, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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Court Minutes

May 9, 2008 continued

C055335 THE PEOPLE v. LETTERMAN (Not For Publication)

The judgment is modified to strike the \$25 state court facilities construction penalty (Gov. Code, § 70372) that was applied to the criminal laboratory analysis fee (Health & Saf. Code, § 11372.5, subd. (a)). The trial court is directed to prepare an amended abstract reflecting this and that the restitution fine (Pen. Code, § 1202.4, subd. (b)), criminal laboratory analysis fee (Health & Saf. code, § 11372.5, subd. (a)), and drug program fee (Health & Saf. Code, § 11372.7, subd. (a)), plus the associated assessments and processing fees, were the same fines, fees, and assessments originally imposed in the probation order of December 20, 2002, and to deliver a certified copy of the amended abstract to the Department of Corrections and Rehabilitation. As modified, the judgment is affirmed.

DAVIS, J.

We Concur: Sims, Acting P.J.
 Raye, J.

**C056973 In re N.C. et al.; SACRAMENTO (Not For Publication)
 COUNTY DEPARTMENT OF HEALTH
 & HUMAN SERVICES v. ZANE C. et al.**

The juvenile court's orders are affirmed.

BLEASE, Acting P.J.

We Concur: Sims, J.
 Morrison, J.

**C055614 CALIFORNIA HIGHWAY PATROL et al. (Certified For Publication)
 v. THE SUPERIOR COURT OF
 SACRAMENTO COUNTY; WALKER et al.**

Let a peremptory writ of mandate issue, directing the trial court to vacate its order denying the CHP's motion for summary judgment and to enter an order granting the motion and judgment in favor of the CHP (including the two named officers). Real parties in interest are ordered to reimburse CHP for its costs in this original proceeding. ... The alternative writ, having served its purpose, is discharged. The stay of proceedings previously issued by this court is vacated upon the finality of this decision.

DAVIS, J.

We Concur: BLEASE, Acting P.J.
 Robie, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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Court Minutes

May 9, 2008 continued

C055988 BURNHAM v. WORKERS' (Not For Publication)
COMPENSATION APPEALS
BOARD and CITY OF CHICO

The order of the Workers' Compensation Appeals Board is affirmed.
Respondents shall recover costs in this original proceeding.

RAYE, J.

We Concur: Sims, Acting P.J.

Butz, J.

C058123 DESIREE M. v. SACRAMENTO (Not For Publication)
COUNTY SUPERIOR COURT;
SACRAMENTO DEPARTMENT
OF HEALTH & HUMAN SERVICES

The petition for extraordinary writ is denied.

BLEASE, Acting P.J.

We Concur: Sims, J.

Morrison, J.